

**LABOR SERVICES DIVISION[875]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 91.6 and 92.21, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 32, “Child Labor,” Iowa Administrative Code.

The proposed amendments are necessary to conform the rules with 2015 Iowa Acts, House File 397.

The principal reasons for adoption of these amendments are to remove obsolete language and implement 2015 Iowa Acts, House File 397.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on June 17, 2015, a public hearing will be held on June 18, 2015, at 10 a.m. in the Capitol View Room at Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa. The public will be given the opportunity to make oral statements and submit documents. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should telephone (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted no later than June 18, 2015, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov).

No variance procedures are included in this rule. Variance procedures are set forth in 875—Chapter 5.

After analysis and review of this rule making, no impact on jobs will occur.

These amendments are intended to implement Iowa Code chapter 92 as amended by 2015 Iowa Acts, House File 397.

The following amendments are proposed.

ITEM 1. Rescind the definitions of “Issuing officer,” “Part-time, occasional, or volunteer work,” and “Superintendent” in rule **875—32.1(92)**.

ITEM 2. Adopt the following **new** definition of “Other work” in rule **875—32.1(92)**:  
“*Other work*,” as used in Iowa Code section 92.5(11), includes manual detasseling of corn when performed from power-operated detasseling machines.

ITEM 3. Amend rule **875—32.1(92)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapter 92 as amended by ~~2009~~ 2015 Iowa Acts, House File ~~618~~ 397.

ITEM 4. Rescind subrule 32.2(2) and adopt the following **new** subrule in lieu thereof:

**32.2(2)** *How permits and certificates of age are issued.* Applicants for permits and certificates of age pursuant to Iowa Code chapter 92 must complete the Iowa Child Labor Application/Work Permit prior to beginning work. The Iowa Child Labor Application/Work Permit is available at the labor division’s Web site. The following procedure shall be used to complete the form:

a. An applicant shall obtain one of the following documents establishing the applicant’s age:

- (1) A certified copy of the applicant’s birth certificate, if it is available.
- (2) If a certified copy of the applicant’s birth certificate is not available, the applicant’s passport or a certified copy of the applicant’s baptismal record.
- (3) If the documents listed in (1) and (2) are not available, one of the following documents shall be used:

1. A visa issued by the U.S. government.

2. A resident alien card issued by the U.S. government.
3. A physician's affidavit certifying the applicant's age. A sample physician's affidavit is available at the labor division's Web site.
  - b. The applicant and a parent, guardian, custodian, or head of migrant family shall each complete the applicable portion of the form.
  - c. The employer shall review and copy the document establishing the applicant's age, review permitted hours and duties, complete the employer's portion of the form, and file the form with the labor commissioner.
  - d. The filing date shall be within three calendar days after the applicant begins work.

ITEM 5. Amend rule **875—32.2(92)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code chapter 92 as amended by ~~2009~~ 2015 Iowa Acts, House File ~~618~~ 397.

ITEM 6. Rescind and reserve rule **875—32.5(92)**.

ITEM 7. Rescind and reserve rule **875—32.7(92)**.

ITEM 8. Amend rule ~~875—32.11(92)~~, introductory paragraph, as follows:

**875—32.11(92) Civil penalty calculation.** The labor commissioner shall follow the provisions of this rule when calculating civil penalties ~~for violations of this chapter or Iowa Code chapter 92 as amended by 2009 Iowa Acts, House File 618.~~ The labor commissioner may refer a violation to the appropriate authority for criminal prosecution in addition to assessing a civil penalty.

ITEM 9. Rescind subrule 32.11(1) and adopt the following **new** subrule in lieu thereof:

**32.11(1) Counting the number of violations.** Violations shall be counted as follows:

- a. Each item of inaccurate information on each Iowa Child Labor Application/Work Permit shall be a separate violation.
- b. Each day that a child works without a permit, works on a prohibited day, works at a prohibited time, or works in a prohibited occupation shall be a separate violation.
- c. If an employer completes the Iowa Child Labor Application/Work Permit but fails to submit it within three working days after the youth begins work, the fourth working day shall be the first violation and each day thereafter shall be an additional violation.

ITEM 10. Amend rule **875—32.11(92)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 92.22 as ~~amended by 2009 Iowa Acts, House File 618.~~

ITEM 11. Amend rule **875—32.12(92)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 92.22 as ~~amended by 2009 Iowa Acts, House File 618.~~

ITEM 12. Rescind and reserve rule **875—32.17(92)**.